



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
PESTICIDE
PROGRAMS

September 13, 2021

Kathy Szmuszkovicz
Beveridge and Diamond, LLC
1900 N Street NW, Suite 100
Washington, DC 20036
T: (202) 789-6037
E: kes@bdlaw.com

Counsel for BASF Corporation

James Wagner
Wagner Regulatory Associates, Inc.
7217 Lancaster Pike, Suite A
Hockessin, DE 19707
T: (302) 635-7632
E: jmw@wagnerreg.com

Counsel for Sharda Cropchem Ltd.

Re: Petition to Deny Sharda Pyraclostrobin Applications

Ms. Szmuszkovicz and Mr. Wagner:

On August 17, 2021, the United States Environmental Protection Agency (“EPA” or “the Agency”) received BASF Corporation’s (“BASF”) petition to deny the application submitted by Sharda CropChem Ltd. (“Sharda”) to register Sharda Pyraclostrobin Technical (“Technical”) and any applications to register end use products containing that pyraclostrobin technical material. BASF asserts that Sharda’s selective method offer to pay failed to cite at least 57 BASF studies necessary to allow EPA to register Technical and that Sharda has not offered to pay. According to EPA records, Sharda has not responded to this petition as of the date of this letter. Sharda has until Monday, October 18, 2021 to file a response. The Agency requests that the response include as exhibits any certification letter or data matrix relevant to the petition. If no response is filed, EPA may treat all factual assertions in the petition as conceded. As of this letter, EPA has only received BASF’s petition to deny.

I am responsible for maintaining the record for this petition and for coordinating the analysis of the issues it presents. To support a fair process, facilitate administrative regularity and convenience, and ensure that the Agency’s ultimate decision is supported by the record, please

adhere to the following guidelines for communicating with the Agency on the petition until a final decision is issued:

- (1) No party or representative of a party should engage in substantive communications specific to the petition with any EPA employee other than me. However, in rare circumstances, I may invite the parties to communicate certain information specific to the petition to other EPA employees. If any party inadvertently discusses the petition with another EPA employee, the party should immediately provide me and the other party a memorandum summarizing the communication.
- (2) Any substantive communication specific to the petition with me or any other EPA employee should include all parties. Digital communications should be simultaneously provided to the other party. Written communications should be simultaneously provided to the other party and should include a statement indicating that the other party has been copied on the communication. Oral communications should be made only when all parties are present and should be followed by a joint memorandum by the parties summarizing the communication.
- (3) Communications should be sent by email whenever possible.
- (4) The parties should avoid submitting Confidential Business Information (CBI) where possible, particularly by email. If either party believes it needs to submit CBI materials, please send an email to me and the other party so we can discuss how to safely submit CBI. That party should additionally provide me and the other party a copy of the intended submission with all CBI removed. If any party discovers that a prior submission unintentionally included unmarked CBI, please immediately provide me and the other party a copy of that submission with all CBI removed. Any submissions that are not marked as containing CBI will be publicly available upon request.

Beyond the petition and the response, any additional briefing will be at the Agency's discretion. If either party wishes to submit any additional briefing, please inform me and the other party so EPA can establish a briefing schedule.

If you have any questions, please email them to me at stoner.nora@epa.gov.

Sincerely,

**NORA
STONER**

Nora Stoner
Office of Chemical Safety and Pollution Prevention
Office of Program Support
Mission Support Division
Regulatory Services Branch

Digitally signed by NORA
STONER
Date: 2021.09.13 14:03:22
-04'00'

| cc: Jori Reilly-Diakun (reilly-diakun.jori@epa.gov) (OGC / PTSLO)
Cynthia Giles-Parker (giles-parker.cynthia@epa.gov) (OPP/RD)